IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 06.11.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Appeal Nos.2199 & 2200 of 2000

1.The Secretary,
Arakonam Co-operative Urban
Bank Ltd., Arakonam,
Vellore District. ... Appellant in both WAs.

Vs.

R.Padmavathy ... 1st Respondent in WA.2199/2000

Meena Sadhu ...1st Respondent in WA.2200/2000

The Deputy Registrar,
Co-operative Societies,
Vellore District. .. 2nd Respondent in both WAs.

Writ appeals filed under Clause 15 of the Letters Patent against the order dated 29.09.2000 made in W.P.Nos.16110 and 16111 of 2000 petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the respondent in Case No.35/98-99 dated 08.09.2000 in G.P.No.345/99-2000 and ARC.No.35/98-99 dated 29.01.1999 (WP.No.1110/2000) and in case No.82/97-98-2000 in G.P.No.384/99-2000 dated 08.09.2000 and ARC.No.82/97-98 dated 25.02.1998 (WP.No.16111/2000) and quash the same respectively.

For Appellant in both WAs. : Mr.G.Alex Benziger

For 1st respondent in both WAs. : Mr.G.Jermiah

For 2nd respondent in both WAs. : Mr.P.Subramanian, Government Advocate

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COMMON JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The Secretary, Arakonam Co-operative Urban Bank Limited, Arakonam, Vellore District, the second respondent in the writ petitions aggrieved by the common order dated 29.09.2000 made in W.P.Nos.16110 and 16111 of 2000, has filed the above writ appeals.

2. In view of the order to be passed herein, there is no need to refer the factual details as stated by both parties. The learned single Judge, while disposing both the writ petitions, after observing that the writ petitioners(first respondent herein) were not afforded reasonable opportunity to put forth their case, has set aside the ex-parte awards and remitted the matter to the second respondent therein-appellant in these appeals. According to the learned counsel for the appellant, inasmuch as the ex-parte awards were passed by the first respondent therein, i.e., the Deputy Registrar, Co-operative Societies, Vellore, it is but proper on the part of the learned single Judge to remit the matter to the said authority, the first respondent therein viz., the Deputy Registrar, Co-operative Societies, Vellore, and not to the second respondent therein viz.,The Secretary, Arakonam Co-operative Urban Bank Ltd., Arakonam, Vellore District,

3. In view of the same, we modify the order of the learned single Judge and direct the Deputy Registrar of Co-operative Societies, Vellore, the first respondent in the writ petitions/second respondent in the writ appeals to hold the enquiry afresh and pass awards, on merits, within a period of eight weeks from the date of receipt of a copy of this order.

4. The writ appeals are disposed of accordingly. No costs.

Sd/
Asst.Registrar

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Sub Asst.Registrar

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To

The Deputy Registrar,
Co-operative Societies,
Vellore District.

2. The Secretary,
Arakonam Co-Operative Union Bank Ltd.,
Arakonam, Vellore District.

2 cc To Mr.K.P.Krishna Shetty, Advocate, SR.52527, 52528.
1 cc To Mr.G.Ermiah, Advocate, SR.53050.
1 cc To The Government Pleader, SR.52819.

W.A.Nos.2199 & 2200 of 2000

HPR(CO)
RVL 17.11.2006

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